

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

### CHAPTER 11 - PUBLIC NUISANCES

#### 11.02 OUTDOOR AND OPEN BURNING

##### (1) PURPOSE

This ordinance is intended to promote and safeguard the public health, safety and welfare of the citizens of the Town of Cottage Grove due to the air pollution and fire hazards of outdoor and open burning.

##### (2) DEFINITIONS

(a) "Air curtain destructor" means a solid waste disposal operation that combines a fixed wall open pit and a mechanical air supply, which uses an excess of oxygen and turbulence to accomplish the smokeless combustion of clean wood wastes and similar combustible materials.

(b) "Fire Pit" means an area cleared down to bare dirt and hollowed out at least 6 inches deep.

(c) "Fire Ring" means a barrier to keep the fire from escaping from a fire pit, such as stones, a tire rim, or commercially available fire ring at least 11 inches deep.

(d) "Campfire" means a small outdoor fire in a fire pit or surrounded by a fire ring, intended for recreation or cooking.

(e) "Outdoor Furnace" means a furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

(f) "Fire Chief" means the Chief of the Cottage Grove Volunteer Fire Department.

(g) "Open burning" means combustion in which the by-products thereof are emitted directly into the ambient air, without passing through a stack or chimney, including the combustion occurring at a properly operated air curtain destructor. Open burning does not include the combustion which occurs in any enclosed or covered unit designed to prevent the escape of any burning materials.

##### (3) PROHIBITED OUTDOOR AND OPEN BURNING

(a) Open burning of any wet combustible rubbish, garbage, oily substances, asphalt, rubber or plastic products, or other materials prohibited by NR 429.04 or NR 502.11, Wisconsin Administrative Code.

(b) Burning of explosive or dangerous material without a permit issued by either the Wisconsin Department of Natural Resources (DNR), or the Department of Industry, Labor and Human Relations (DILHR).

(c) Open burning in an air curtain destructor without first obtaining a permit from the DNR and having received written approval from the town board.

(d) Open burning of any material whatsoever by businesses, excluding agricultural or silvicultural facilities, except where a wood burning site license under NR 502.11(f), Wisconsin Administrative Code, has been approved by the Wisconsin Department of Natural Resources.

(e) Open burning of any material whatsoever by agricultural or silvicultural facilities, except for stumps, trees, limbs, brush and weeds, as described in NR 502.11(2)(a), Wisconsin Administrative Code.

##### (4) REGULATED OPEN BURNING

(a) Open burning of trees, stumps, brush, dry leaves, plant clippings, weeds, and other dry

### CHAPTER 11 - PUBLIC NUISANCES

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

combustible materials generated on the property, including that from clearing and maintenance of rights of way.

(b) Any non-enclosed or non-covered cooking fires or campfires.

(c) Open burning, or fires set for practice and instruction of fire fighters, or testing of fire fighting equipment.

### (5) OPEN BURNING PERMITS

#### (a) DEFINITIONS

1. Open Burning Permit, a yearly permit for daytime burning of materials permitted under section (4). Once issued, this permit requires residents to register each open burn via telephone or online 2 days prior to burning.

2. Campfire Permit, a yearly permit for recreational or cooking fires in a fire pit or surrounded by a fire ring.

(b) Open burning permits shall be required for all regulated open burning conducted within the limits of the town, as described in (4).

(c) Open burning permits shall be issued by the town chair or their designee.

(d) Open burning permits shall not be required for any activity described in (4)(c), when these activities are conducted by the Cottage Grove fire department.

(e) Open burning permits shall only be issued to a person with a vested interest in the land described on the permit.

(f) Open burning permits may be denied to any person found to be in violation of any provision of this ordinance for a period of up to one year from the date of the violation.

(g) Open burning permits shall detail all conditions that apply to the activity being permitted, and a copy of the permit shall be available at the burning site. A current copy of the burning permits are attached as Appendix 11-A with the same force and effect as if it were fully reprinted herein.

### (6) STANDARD OPEN BURNING PERMIT CONDITIONS

(a) A responsible adult shall be in attendance at any fire until it is totally extinguished.

(b) All open burning shall be conducted in a safe manner, when wind and weather conditions are such that they do not create any fire hazards to adjacent properties and the open burning can be safely controlled.

(c) Except for campfires, or when specifically noted on the permit as a special condition, no open burning shall be conducted between sunset and sunrise.

(d) Campfires shall be extinguished by 10:00 P.M. on Sunday thru Thursday and 11:00 P.M. on Friday or Saturday, or shall be extinguished immediately upon the request of a neighbor due to smoke causing a nuisance on the neighboring property.

(e) No open burning shall be conducted within 20 feet from any structure, hay stack, or fuel storage location, or upon any surface within a right-of-way, public or private (except when burning is performed by Town or County staff in connection with clearing of the right-of-way).

(f) Adequate firebreaks shall be provided, and arrangements shall be made to notify the fire department in case of an emergency (ie: having a phone available to DIAL 911).

## CHAPTER 11 - PUBLIC NUISANCES

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

(g) The open burning shall not be in violation of any federal air control rules, or any state air pollution control rules that are required by applicable federal laws or regulations.

### (7) OUTDOOR FURNACES

(a) An outdoor furnace may be used in the Town of Cottage Grove only in accordance with the following provisions:

(b) The outdoor furnace shall not be used to burn any of the prohibited materials listed in section (3) of this ordinance.

(c) The outdoor furnace shall be located at least 250 feet from the nearest building which is not on the same property as the outdoor furnace unless written approval of the burning location is obtained from the owner of the nearest building that is not on the same property. A copy of the approval shall be provided to the Town Board prior to commencing burning.

(d) The outdoor furnace shall have a chimney that extends at least 15 feet above the ground surface or higher. The Town Board may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.

(e) Outdoor furnace installations completed prior to January 8, 2010 will be considered grandfathered in for the purposes of (b) and (c) above.

### (8) RIGHT OF ENTRY AND INSPECTION

The Fire Chief or any authorized officer, agent, employee or representative of the Town of Cottage Grove who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. Note: If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with sections 66.122 and 66.123, Wis. Stats. In the event of a fire emergency, the Fire Chief and members of the Fire Department may access property to extinguish uncontrolled fire in order to protect the safety of persons and property.

### (9) PENALTY FOR VIOLATION

(a) In addition to, and separate from, the possible liability referred to in (9) (b,c) , violations of this ordinance shall be punishable as class D forfeitures, under s. TCG 25.04.

(b) Any violation of this ordinance shall result in the permit being revoked, and the fire being extinguished.

(c) The permit holder, or responsible party where a permit was not obtained, will be liable for any and all costs incurred by the town in responding to and extinguishing any outdoor or open burning which is in violation of this ordinance, and any other liability resulting from damage caused by the fire.

### (10) EFFECTIVE DATE

(a) Original ordinance adopted May 21, 2001

(b) Amended January 4, 2010 and January 6, 2014.

(c) This section shall take effect upon passage and posting and/or publication (if required).

## CHAPTER 11 - PUBLIC NUISANCES